



## OVERSIGHT BOARD – OPERATIONAL PRIVACY NOTICE

This privacy notice describes how Oversight Board LLC, Oversight Board UK and Oversight Board UK Services Limited (sometimes referred to in this Operational Privacy Notice collectively as “**Oversight Board**”, “**we**”, “**us**” and “**our**”) and the trustees of the Trust (as defined in the [Glossary](#) below) process information about you when you interact directly with Oversight Board and/or the Trust.

**This privacy notice does not apply to any personal data that we receive from Facebook, or that an individual provides through visiting oversightboard.com as part of any appeal or case, to enable Oversight Board to provide content review services to Facebook, in relation to which please see the [Data Policy for the Oversight Board’s Data Processing Activities](#).**

It also does not apply to Oversight Board staff or applicants for positions with Oversight Board, in relation to which please see the [Oversight Board - Applicant Privacy Notice](#).

For an explanation of terms used in this privacy notice please see the [Glossary](#).

### **1. What kinds of information does Oversight Board collect about you?**

The type of information that Oversight Board collects depends on how you interact with Oversight Board.

- **Information and content you provide.** We collect communications and other information you provide to us when you interact with us or disclose it publicly (such as in a social media post or comment), including where you communicate with us via email, telephone or social media, sign-up to attend stakeholder briefings or to receive email updates on cases being considered by Oversight Board, comment on the cases we are considering or when you meet our staff (e.g. by visiting our offices). This can include your name and other identification details, your contact details, your location, the organisation(s) with which you



are affiliated, your areas of interest and/or expertise, information in or about the content you provide (e.g. metadata) and photographs or CCTV footage from security cameras inside or outside our offices. We may also collect information about you as a result of your attendance at one of our briefings, or that you provide to us by way of comment on the cases we are reviewing.

- **Data with special protection.** You can choose to provide Sensitive Information to us about your race or ethnicity, religious or philosophical beliefs, trade union membership, sexual orientation, political opinions, your health, and criminal convictions, allegations, proceedings and offenses which relate to you. This is subject to special protection under EEA and UK law and you can find more information about how we process this type of information [here](#).
- **Information others provide about you.** We also receive and analyse content, communications and information that other people provide when they interact with us or when it is made publicly available (e.g. a newspaper article). This can include information such as your name, your contact details, your location, the organisation(s) with which you are affiliated, your areas of expertise, details of any potential Conflicts of Interest we may identify and your political alignment. We may also obtain these details through publicly available sources (e.g. the website of the organisation with which you are affiliated) and/or personal connections of our staff members and Board Members. For example, if you are related to a member of our staff, they may give us information about you in order to allow you to receive certain benefits that we offer to our staff (such as health insurance) or when a member of our staff tells us about any Conflicts of Interest they may have as a result of a connection with you (as explained further in the Glossary).
- **Electronic data.** When you interact with us, we may collect information about you and the device you use to interact with us, such as emails, digital signatures and online identifiers.

Oversight Board may also collect information about individuals whose details are shared with Oversight Board by members of staff (or others) in connection with any



actual or perceived Conflicts of Interest, anti-bribery and corruption, or compliance with staff policies.

Oversight Board will not intentionally collect Conflicts of Interest information where the individual concerned is under the age of 18.

## **2. How do Oversight Board and the Trust use this information?**

Oversight Board and the Trust use your information in the following ways:

- for operational purposes in order to manage and carry out the activities of Oversight Board and the Trust;
- to assess your expertise and suitability to work with us, if you are an expert or other vendor;
- to register you for stakeholder briefings to which we may invite you;
- to send you updates from Oversight Board on cases and public comment opportunities;
- to communicate with you and to respond when you contact us;
- to consider any comments you provide to us on cases we are considering;
- to fulfil our obligations under any contract with you;
- to promote and safeguard the interests of Oversight Board, the Trust and our staff;
- to comply with our legal obligations (or, in the case of the trustees, fiduciary duties); and
- in the case of family members of our staff, in order to provide benefits such as health insurance.

## **3. How is this information shared?**

Oversight Board and the Trust work with third-party service providers who help us to provide and improve our services (such as IT service providers and professional advisers). We do not sell personal information. Oversight Board and the Trust do not



allow third-party service providers to use your personal data for their own purposes. We also impose strict restrictions on how our service providers can use and disclose the data we provide. Here are the types of third parties with whom we share information:

- **Vendors and service providers.** We provide information to vendors and service providers who support our respective operations, such as by providing IT services.
- **Board Members.** We may need to share comments that you make about cases we are considering with Board Members where relevant to the work they are doing.
- **Professional advisers and other external parties.** We may need to share your information with professional advisers and other external parties, including background check providers, in order to obtain advice regarding any relevant legal claims and/or as needed to manage the operations of Oversight Board and/or to fulfil the purpose of the Trust.
- **Legal, supervisory, and regulatory authorities.** We may share information with legal, supervisory and regulatory authorities and any government agencies and law enforcement bodies, or in response to a valid subpoena or legal process served by a third party, to comply with our legal obligations; protect the rights and property of Oversight Board and/or the Trust, Oversight Board's employees, the trustees of the Trust, and other stakeholders; and to detect and respond to suspected illegal activity and threats to the safety of any person, systems or services.
- **In connection with any restructuring.** We may need to share your information with third parties in order to implement any restructuring of Oversight Board and/or the Trust, such as a merger, sale or other transfer of part or all of the assets of these organisations.
- **With other third parties, with your consent or at your direction.**

#### **4. How does Oversight Board work with Facebook and the Trust?**



Oversight Board provides content review services to Facebook. As such, Oversight Board will be involved in receiving, reviewing and handling appeals of Facebook decisions about content on Facebook or Instagram. In the course of those activities, Oversight Board will have access to and process certain personal information from Facebook, or that an individual provides through visiting [oversightboard.com](https://oversightboard.com) as part of any appeal or case. For information on how information may be processed in this manner (if applicable), please go to [Data Policy for the Oversight Board's Data Processing Activities](#).

Oversight Board may need to share your personal information with Facebook and its representatives in order to comply with Oversight Board's obligations when providing services to Facebook as a service provider. This is because Oversight Board acts either as Facebook's data processor or sub-processor and therefore it has certain legal and contractual obligations to Facebook.

As a result of reporting requirements contained in the Trust Agreement, Oversight Board may share your information with the trustees of the Trust. In limited circumstances and in keeping with data minimisation principles, the trustees of the Trust may share your information with Facebook pursuant to the [Trust Agreement](#) and other documents related thereto.

## **5. What is our legal basis for processing data under the GDPR?**

Where the GDPR applies, Oversight Board and the Trust may collect, use and share your information on one or more of the following legal bases:

- as necessary to comply with our respective legal obligations;
- to protect your vital interests, or those of others;
- as necessary in the public interest;
- as necessary for our (or others') respective legitimate interests, unless those interests are overridden by your interests or fundamental rights and freedoms that require protection of personal data;



- to perform our contractual obligations, or to take steps at your request prior to entering into a contract with you;
- with your consent, when sending you email updates on the cases we are considering and public comment opportunities, unless we have another legal basis upon which to do so;
- in the case of Sensitive Information:
  - with your consent, which you may revoke at any time;
  - to establish, exercise or defend legal claims; or
  - where the information has already been made public by you.

[Learn more](#) about these legal bases and how they relate to the ways in which we process data.

## 6. California Privacy Rights

Residents of California may have additional rights with respect to information collected by Oversight Board. [Learn more](#) about these rights and how to exercise them.

## 7. How can you exercise your rights provided under the GDPR?

If you are a resident of the European Economic Area (EEA) or United Kingdom (UK) you have the right to:

- **Request access** to your personal information (commonly known as a **data subject access request**). This enables you to request a copy of the personal information that Oversight Board and the Trust hold about you and to check that it is lawfully processed;
- **Request correction** of your personal information;
- **Request erasure** of your personal information. This enables you to ask Oversight Board and the Trust to delete or remove personal information where there is no good reason for Oversight Board or the Trust to continue to process it;



- **Object to processing** of your personal information where Oversight Board or the Trust is relying on a legitimate interest and there is something about your particular situation which makes you want to object to processing on this ground;
- **Request the restriction of processing** of your personal information. This enables you to ask Oversight Board and/or the Trust to suspend the processing of personal information about you, for example if you want to establish its accuracy or the reason for processing it; and/or
- **Request the transfer** of your personal information to another party.
- To exercise your rights under the GDPR, please contact Oversight Board's Data Protection Officer at [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com).

## 8. Data retention and deletion

Oversight Board and the Trust store data until it is no longer necessary to fulfil the purposes for which it was collected. This is a case-by-case determination that depends on things such as the nature of the data, why it was collected and processed and relevant legal or operational retention needs. Please note that the Trust may have retention periods that differ from those of Oversight Board.

In some circumstances, Oversight Board or the Trust may anonymise your information or aggregate it with other information so that it can no longer be associated with you, in which case Oversight Board or the Trust may use the information without further notice to you.

## 9. Transferring information outside the UK or EEA

Oversight Board might need to transfer your information from the UK or the EEA to the United States of America (in part because the Trust and Oversight Board LLC are both located in the United States of America) and might also need to transfer your information to other countries outside the UK (both in and outside the EEA) where



Oversight Board has a legitimate interest in doing so or where any other circumstance in section 2 of this privacy notice applies.

There is no adequacy decision by the European Commission or UK in respect of the United States of America, which means that it is not deemed to provide an adequate level of protection for personal information. This may also be the case for other countries to which Oversight Board needs to transfer your information.

However, to ensure that your information receives an adequate level of protection when we transfer data to such countries, Oversight Board and the Trust have or will put in place appropriate measures. If you require further information about this, you can request it by emailing [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com). Any such requests will also be immediately forwarded to the individual handling such matters on behalf of the Trust where relevant.

## **10. Automated decision-making**

Oversight Board and the Trust do not envisage that any decisions will be taken about you by Oversight Board or the Trust using automated means, but will notify you by posting an updated version of this privacy notice if this position changes.

## **11. Changes to this Notice**

Oversight Board and the Trust reserve the right to update this privacy notice at any time. Oversight Board and the Trust may also notify you in other ways from time to time about the processing of your information.

## **12. Data controllers**

Under the GDPR, a data controller is responsible for deciding how it holds and uses information about you. For residents of the EEA or UK:





- Oversight Board UK, Oversight Board UK Services Limited, Oversight Board LLC or the Trust will be a data controller, depending on the relevant processing, and two or more of them may be joint data controllers, when relevant.
- Oversight Board LLC will be the data controller in relation to information that it receives; and
- the Trust will also be a data controller in relation to information that it receives from Oversight Board LLC.

If information is collected directly by Oversight Board UK Limited or Oversight Board UK Services, they will typically be acting as a processor of Oversight Board LLC. However, in some circumstances, for example where Oversight Board UK Limited or Oversight Board UK Services has a direct relationship with vendors, either Oversight Board UK Limited or Oversight Board UK Services may act as data controllers.

Oversight Board is registered with the UK Information Commissioner's Office as a data controller as follows:

- Oversight Board UK - registration number ZA804287;
- Oversight Board UK Services Limited – registration number ZA754240;
- Oversight Board LLC - registration number ZA763744.

### **13. Contact us**

You may unsubscribe from our emails at any time, by clicking on the “unsubscribe” link in any email, or by emailing us at [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com). If you have any questions about this privacy notice, please contact Oversight Board's Data Protection Officer by emailing [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com). Where possible, please identify whether your request is addressed to Oversight Board, the Trust, or both of them.

### **14. Your right to complain**



UK and EEA data subjects have the right to make a complaint to their national supervisory authority for data protection issues. For UK data subjects, this is the UK Information Commissioner's Office.

Date of last revision: April 9, 2021



## Glossary

The terms “**personal data**” and “**information**” and “**personal information**” mean any information that identifies, relates to, describes, or is reasonably capable of being associated with or linked to an individual. It does not include de-identified, anonymous, or aggregate data.

**Board Members** means an independent contractor of Oversight Board LLC, who is a member of the oversight board, a group of independent contractors of Oversight Board, LLC, who provide content review and related services to Facebook.

**Conflicts of Interest.** Independence is important to Oversight Board. In order to ensure that it can make independent judgments and decisions, Oversight Board may ask its staff to tell it if any Staff Related Persons (as defined below) have any “conflicts of interest” (for example, owning shares in Facebook). Conflicts of Interest include but are not limited to the types of potential conflicts of interest identified in the Oversight Board Code of Conduct (contained within the Oversight Board Bylaws).

**Facebook** means Facebook Inc., and its affiliates, including but not limited to Facebook Ireland Limited.

**GDPR** means the EU General Data Protection Regulation or the national laws of the United Kingdom which implement EU General Data Protection Regulation within the United Kingdom, as applicable.

**Oversight Board** means Oversight Board LLC, Oversight Board UK and Oversight Board UK Services Limited. Oversight Board UK and Oversight Board UK Services Limited both operate under the management of Oversight Board LLC, a Delaware limited liability company, the sole member of which is the trustees of the Trust, collectively.



**Sensitive Information** means information that reveals your racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sexual orientation or criminal convictions, offences, allegations or proceedings.

**Staff Related Person** means:

- any family members or household members of a member of Oversight Board staff, including but not limited to a spouse or partner, parents or step-parents, siblings, children (including step-children and adopted children), a spouse's or partner's parents and siblings, uncles, aunts, nephews, nieces and cousins ("**Family Member**");
- someone who is a business partner or sponsor or who is employed or engaged by a member of Oversight Board staff or a Family Member; or
- someone who has been identified to us by a member of staff in connection with staff benefits provided by Oversight Board such as health insurance.

**Trust** means the Oversight Board Trust u/a dated October 16, 2019, a Delaware non-charitable purpose trust, administered by the trustees who are serving from time to time under the Trust Agreement.

**Trust Agreement** means that certain trust agreement, dated October 16, 2019, as amended February 16, 2020, March 31, 2020, and October 13, 2020, as may be further amended, creating the Oversight Board Trust u/a dated October 16, 2019, a Delaware non-charitable purpose trust.



## Legal bases for processing data under the GDPR

The rights outlined below only apply to residents of the UK or EEA.

Under European and UK law, companies must have a legal basis to process data. You have rights depending on which legal basis we use, and we've explained these below. No matter what legal basis applies, you always have the right to request access to, rectification of and deletion of your data under the GDPR.

The legal bases that we rely on in certain instances when processing your data are:

- **Your consent:**

If we contact you at your private email address, we rely on your consent to do so. We will make it clear that you should not share non-public Sensitive Information with us, such as by including such information within any comments you provide to us on a case we are considering, unless you consent to us holding and using that information in connection with our work on such cases. We rely on your consent for processing data in relation to Conflicts of Interest which you may share with us that disclose non-public Sensitive Information (such as your race, religious views, political or philosophical views, sexual orientation, or trade union membership), so that we can fulfil the purpose of Oversight Board of providing independent content review services to Facebook and to establish and maintain our reputation for impartiality and fairness.

*When we process data that you provide to us based on your consent, you have the right to withdraw your consent at any time. To exercise your rights, please email [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com). Once Oversight Board and the Trust have received notification that you have withdrawn your consent, Oversight Board and the Trust will no longer process your information for the purpose or purposes you originally agreed to, unless Oversight Board or the Trust have another legitimate basis for doing so under the law.*



- **Our legitimate interests or the legitimate interests of a third party, where not outweighed by your interests or fundamental rights and freedoms:**

We may process your information where it is necessary for the purposes of the following legitimate interests:

- To send you invitations to events, email updates on the cases we are considering and information about public comment opportunities;
- To promote and carry out the functions of Oversight Board and the Trust;
- To establish and maintain Oversight Board’s reputation for impartiality, in particular by avoiding any Conflicts of Interest;
- To manage our relationships with our expert advisers;
- To monitor public opinion regarding Oversight Board and its content-review decisions;
- To allow the trustees of the Trust to properly carry out their duties to oversee and administer Oversight Board where these require access to personal data;
- To collect opinions from individuals and organisations to inform Oversight Board with respect to cases under its review;
- To allow Oversight Board to handle the information of those who interact with Oversight Board, as well as their friends and connections, on social media platforms;
- To organise and manage stakeholder briefings;
- To incentivise and reward Oversight Board staff;
- To comply with Oversight Board’s internal policies; and
- To protect Oversight Board and the Trust (including our rights or property) or others, including in the context of investigations or regulatory enquiries.

*You have the right to object to, and seek restriction of, such processing. To exercise your rights, please email [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com).*

We will consider several factors when assessing an objection to processing, including: your reasonable expectations; the benefits and risks to you, us or third



parties; and other available means to achieve the same purpose that may be less invasive and do not require disproportional effort. Your objection will be upheld and we will cease processing your information, unless the processing is based on compelling legitimate grounds which override your interests, rights and freedoms, or is needed to establish, exercise or defend a legal claim.

- **To enter into or perform a contract:**

Oversight Board may process your information in order to enter into, perform or consider entering into a contract with experts and other vendors, or a member of Oversight Board staff or their family member. We may also process your information in order to enter into or comply with a contract with a third party entity with whom you are associated (e.g. a supplier for whom you work).

- **To establish, exercise or defend legal claims:**

We may need to process your Sensitive Information to establish, exercise or defend legal claims.

- **Compliance with a legal obligation:**

For processing data when the law requires it, including, for example, if there is a valid legal request for certain data.

- **Where the information has already been made public:**

UK and EEA law does not require us to obtain your consent in order to process Sensitive Information where you have manifestly made it public (for example, the political views of a politician).

- **Protection of your vital interests or those of another person:**

We may need to process your Sensitive Information to investigate and combat threats made to members of Oversight Board's staff.

- **Tasks carried out in the public interest:**



For example, to promote safety, integrity and security, where this is necessary in the public interest.

When we process your data as necessary for a task carried out in the public interest, you may have the right to object to, and seek restriction of, our processing. To exercise your rights, please email [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com). In evaluating an objection, we'll take account of several factors, including: your reasonable expectations; the benefits and risks to you and third parties; and other available means to achieve the same purpose that may be less invasive and do not require disproportional effort.

### **California Privacy Rights**

If you are a California resident, you may have certain rights under California law, including the California Consumer Privacy Act of 2018 (the “CCPA”).

The CCPA requires a business to provide notice of the categories of information the business collects about a consumer and the purposes for which the information is collected. For the Oversight Board and Trust, these categories are described above in this privacy notice.

The CCPA gives Californians the right to request that a business disclose the information collected about them, the categories of sources of information collected, and the categories of third parties with whom the business shares the information, and also the right to request deletion of their information. However, a business may decline to delete information if it is necessary for certain purposes, such as to provide the services requested by the consumer, to protect against fraud and illegal activities, to comply with a legal obligation, or for internal purposes that are compatible with the context in which the information was collected.

To submit a request under the CCPA, you may contact Oversight Board’s Data Protection Officer at [dataprotection@osbadmin.com](mailto:dataprotection@osbadmin.com). We will need to verify your identity and California residency before providing a substantive response to your request.





Oversight Board and the Trust do not sell personal information and will not provide a different level of services to individuals who exercise their rights under California law.